

NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO  
CODE OF FAIR COMPETITION

FOR THE

RETAIL TRADE

AS APPROVED ON MARCH 19, 1935



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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1935

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Approved Code No. 60—Amendment No. 9

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

### RETAIL TRADE

As Approved on March 19, 1935

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#### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE RETAIL TRADE

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Retail Trade, and hearings having been duly held thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

HARRY C. CARR,  
*Acting Division Administrator.*

WASHINGTON, D. C.,  
March 19, 1935.

## REPORT TO THE PRESIDENT

THE PRESIDENT,

*The White House.*

SIR: The Hearing on the annexed amendment to Schedule A of the Code of Fair Competition for the Retail Trade was held on October 23, 1934, in the Raleigh Hotel, Washington, D. C. The amendment was presented by duly qualified and authorized representatives of the Trade, complying with statutory requirements, such representatives being members of the National Retail Drug Code Authority.

In accordance with the customary procedure, everyone who had filed a request for an appearance was freely heard in public, and all statutory and regulatory requirements were complied with.

This amendment is drawn to enable the National Retail Drug Code Authority and the several Local and Metropolitan Retail Drug Code Authorities to incorporate, if they wish, under the laws of any State or the District of Columbia, subject to the approval by the National Industrial Recovery Board of their articles of incorporation, and subject to the right of the National Industrial Recovery Board to require a modification of such articles of incorporation if the State laws permit, or to require that the corporation be reorganized in some other State. The powers, duties, objects and purposes of the respective corporations are limited to the powers, duties, objects and purposes of the respective Code Authorities, and the existence of said corporations are limited to the term of the Code.

The Deputy Administrator in his final report to the National Industrial Recovery Board on said amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter;

The National Industrial Recovery Board finds that:

(a) The amendment to said code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limi-

tation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendment on behalf of the trade as a whole.

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons the amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MARCH 19, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE RETAIL TRADE

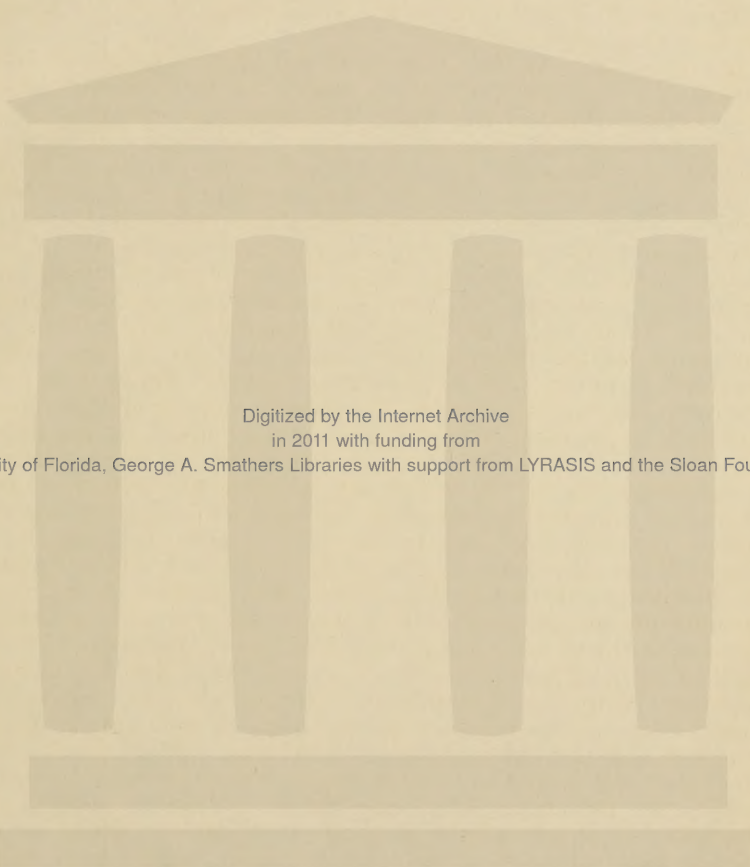
There is hereby added to Section 5, paragraph (2) of Schedule A of the Code of Fair Competition for the Retail Trade, as amended, the following sub-paragraph:

(g) The National Retail Drug Code Authority, and each local committee (whether known as a Local Retail Drug Code Authority, Metropolitan Retail Drug Code Authority, or otherwise) created under Schedule A, Section 5 of this Code, upon submission to the National Industrial Recovery Board of its proposed Certificate of Incorporation and By-laws, and upon procuring the written consent thereto of the National Industrial Recovery Board, may incorporate under the laws of any State of the United States or of the District of Columbia under the name of "National Retail Drug Code Authority, Inc.," or "Local Retail Drug Code Authority for the (local area) Inc.," or "Metropolitan Retail Drug Code Authority for the (metropolitan area), Inc." as the case may be; provided, however, that, to the extent that the National Industrial Recovery Board shall require, the powers, objects and purposes of each such corporation shall be limited to the powers, objects and purposes of such Code Authority as the same are now or may hereafter be defined in the said Code, or any amendments thereof, additions thereto or substitutions therefor; and provided, further, that each such corporation shall exercise the powers given to it by the provisions of the said Code or any amendment thereof, additions thereto, or substitutions therefor only during the existence of such Code, amendments, additions, or substitutions; and provided, further, that no amendment to the said Certificate of Incorporation and By-Laws shall be made without submitting the same to the National Industrial Recovery Board and procuring its written consent thereto. The right to incorporate pursuant to the terms hereof is given upon the condition that the National Industrial Recovery Board, from time to time, upon such notice and/or hearing as it shall deem necessary, may require the Certificate of Incorporation, By-Laws, and corporate organization, or any of them, of any corporation formed pursuant thereto, to be amended or changed, and may suspend or revoke any or all of the powers granted to it hereunder, and it may do such other or further acts and things, in connection therewith, as it may deem necessary or proper.

Approved Code No. 60—Amendment No. 9.  
Registry No. 1625-2-02.

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